

ACA REVIEW

Sir Thomas Legg KCB QC

PRIVATE AND CONFIDENTIAL

Rt Hon Frank Field MP
House of Commons
Westminster
London
SW1A 0AA

12th October 2009

Constituency: **Birkenhead**

Dear Mr Field,

I am now writing to give you notice of my provisional conclusions concerning your use of the Additional Costs Allowance (the ACA) during the years 2004-05 to 2008-09, and to provide you with the opportunity to make comments or representations to me on them.

You will recall that my core remit is to identify ACA payments which should not have been made, and to recommend any repayments which Members should make, subject to allowing them a fair opportunity to make representations about my provisional conclusions.

My findings, both at this and all other stages, carry no implications or innuendo about the conduct or motives of MPs or former MPs. They are based on a dispassionate judgment of whether or not the payments you received were made in accordance with the rules and standards in force at the time as, having studied them, I consider they must be interpreted.

You will find three documents attached to this letter. The **first** document is a note explaining my general approach to the interpretation of the ACA rules. The **second** document sets out the repayment which, on that basis, I am at present minded to recommend that you should make, and/or the further supporting evidence that I consider you should be invited to provide. Where applicable, it also comes with a separate statement of any repayments which I understand you have already made since April 2009. The **third** document gives more detailed guidance on how to reply to this letter.

Where my provisional findings request further supporting evidence, I would be grateful if you could send me that evidence at the same time as your reply to this letter. If the evidence is not made available then or within a reasonable time thereafter, my default recommendation will be that the whole allowance involved should be repaid.

May I emphasise that these findings are genuinely provisional at this stage, that I am open to representations about their accuracy or fairness, and that I will not finalise them until I have considered any comments and representations that you may wish to send me about them within the time mentioned below.

When my findings have been finalised, I will include them in my report to the Members Estimate Committee, which they have indicated that they intend to publish.

I have only included in these provisional findings those items in respect of which I consider that, on the face of the records, and on my determination of the rules in force at the time, some repayment or further supporting evidence seems required. Accordingly, you may take it that I see no cause to recommend any action by you in respect of any other ACA payments that you received.

However, I should add that my findings exclude any payments which to my knowledge are under separate investigation by the Parliamentary Commissioner for Standards, by the Police or by HM Revenue and Customs.

The timetable required makes it necessary for me to request you to reply to this letter as soon as possible, and in any event so as to **ensure that your reply reaches me within three weeks of the date of this letter**, that is **by Friday 2 November 2009**. Emailed replies would be welcome. I am unlikely to be able to consider replies received after the three-week period. It would be helpful if you could respond even if you have no comments on my provisional findings. If I do not hear from you within the three-week period, I will take it that you are content with what I propose.

I regret that the timetable is unlikely to make it practicable for me to be available for personal interviews with MPs or former MPs before finalising my report to the Members Estimate Committee. It would therefore be helpful if you could deal with all issues in your written reply.

I very much appreciate your help with this review.

Yours sincerely,

A handwritten signature in black ink that reads "Tom Legg". The signature is written in a cursive, slightly slanted style.

Sir Thomas Legg KCB QC

Rt Hon Frank Field MP

RefNo	Start Date /End Date	Category	Issue Description	Provisional Conclusion	Recommended Repayment
12511	01/04/04 to 30/04/09	Cleaning	Cleaning and gardening services have been provided for the MP by a housekeeper. It is difficult to break down the claims between cleaning and gardening as they are not always clearly delineated. The MP's claims were as follows: 2004/05 - £1,390 "Housekeeper" and £1,600 Cleaning; 2005/06 - £2,120 "Housekeeper" and £2,300 Cleaning; 2006/07 - £1,500 "Housekeeper", £2,600 Cleaning and £300 Gardening; 2007/08 - £1,200 "Housekeeper", £2,500 Cleaning and £100 Gardening; 2008/09 - £4,275 "Household Duties". When compared to the limits of £2,000pa for cleaning and £1,000pa for gardening, these give the following excess amounts: 2005/06 - £1,420 2006/07 - £1,400 2007/08 - £800 2008/09 - £1,275	The MP should repay the excess allowance unless he can demonstrate what other allowable services were provided.	£4,895.00
12512	01/04/04 to 30/04/09	Other 1	From July to December 2004 the MP claimed £800 in petty cash. Two further claims of petty cash were rejected by the Fees Office in 2004/05. From June to December 2005 the MP claimed £1,000 in incidental costs/sundry expenses. Correspondence from the Fees Office shows that the MP was advised that such claims were not permissible and - if the costs had been properly incurred - should be allocated to the appropriate headings.	The MP should repay the allowance.	£1,800.00
13472	01/11/04 to 31/08/07	Other 1	The MP claimed (and was paid) twice for the following items: Electricity bill £19.58 - Sep 04 and Nov 04 Gas bill £17.41 - Sep 04 and Nov 04 Sony clock radio £79.95 - May 07 and Aug 07	The MP should repay the duplicated allowance.	£116.94
13474	01/12/04 to 31/08/07	Telecommunications	The MP claimed for three BT bills which did not relate to his second home address: Dec 2004 - £80.79 Apr 07 - £75.35 Aug 07 - £72.41	The MP should repay the allowance.	£228.55

